



member of Grind is Michael Horsey who is an individual domiciled in the State of Maryland.

4. Defendant, Penske Truck Leasing Co., L.P. (“Penske”) is a Delaware limited partnership, with its principal place of business in Reading, Pennsylvania. Penske’s partners are Penske Corporation, Penske Automotive Group, Inc., and Mitsui & Co.
  - a. Penske Corporation is a Delaware Corporation, with its corporate office and principle place of business in Bloomfield Township, Michigan.
  - b. Penske Automotive Group, Inc. is a Delaware Corporation, with its corporate office and principle place of business in Bloomfield Hills, Michigan.
  - c. Mitsui & Co. is a foreign corporation headquartered in Tokyo, Japan.
5. Defendant, Gregory George Hills (“Hills”) is a domiciled in the State of Georgia.
6. Plaintiff’s Original Petition, filed contemporaneously herewith, states that the amount of damages sought is over \$1,000,000. (See Paragraph 22 of Plaintiff’s Petition.)
7. Defendant Grind has been served and answered in State Court. Defendant Penske has been served but has not answered at this time. Defendant Hills has not been served.

## **II. BASIS FOR REMOVAL**

8. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff’s suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant Grind is a Maryland limited liability company whose sole member is domiciled

in Maryland. Defendant Penske is a Delaware limited partnership, with its principal office located in the State of Pennsylvania with its partners are domiciled in Delaware, Michigan and Japan. Defendant Hills is a citizen of the State of Georgia. Additionally, the amount in controversy exceeds \$75,000.

**A. Complete Diversity Exists.**

9. As this Court is aware, for diversity purposes, a person is considered a citizen of the state where that person is domiciled. Plaintiff is a person and domiciled in the State of Texas. Grind is not domiciled in the State of Texas, but in Maryland. Defendant Penske Truck Leasing Co., L.P. is domiciled in Delaware, Michigan and Japan. Defendant Gregory George Hills is domiciled in the State of Georgia.
10. Because the Plaintiff, Defendant Grind Trucking, LLC, Defendant Penske Truck Leasing Co., L.P., and Defendant Gregory George Hills, do not share citizenship in any state, removal is proper on diversity grounds.
11. All Defendants are now, and were at the time of the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332.

**B. The Amount in Controversy Exceeds \$75,000.**

12. As previously stated, Plaintiff filed his Original Petition on September 6, 2022. Plaintiff identified the amount in controversy to be over \$1,000,000.
13. Accordingly, Plaintiff seeks damages beyond the threshold amount of \$75,000, establishing an amount in controversy of over \$1,000,000.
14. Accordingly, because this notice of removal has been filed within the time available after Plaintiff provided his Original Petition, providing his claim for relief, this removal is proper and timely under 28 U.S.C. § 1446(b)(3).

15. The United States District Court for the Eastern District of Texas, Sherman Division, embraces Hopkins County, Texas, the place where the state court action was filed and is pending.
16. The live pleadings before the state court are Plaintiff's Original Petition, Defendant Grind Trucking, LLC's Original Answer. No other motions are pending before the state court.
17. All pleadings, process, orders served upon Defendants in the state court action are attached to this Notice as Exhibit "A," as required by 28 U.S.C. § 1446(a).
18. Defendant Grind Trucking, LLC hereby demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.
19. Defendants Penske and Hills have not answered in state court as of the filing of this removal. However, on information and believe all Defendants consent to removal.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Grind Trucking, LLC respectfully requests that this action be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the Eastern District of Texas, Sherman Division, and for such other and further relief to which it may show itself to be justly entitled in equity or law.

Respectfully submitted,

**FEE, SMITH & SHARP LLP**

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

State Bar No. 00788857

[msharp@feesmith.com](mailto:msharp@feesmith.com)

**ADAM J. STRANGE**

State Bar No. 24090763

[astrange@feesmith.com](mailto:astrange@feesmith.com)

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

972-980-3293

972-934-9200 [Fax]

**ATTORNEYS FOR DEFENDANT  
GRIND TRUCKING, LLC**

**CERTIFICATE OF SERVICE**

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on October 7, 2022, a true and correct copy the foregoing instrument was served on the following counsel of record authorized by Federal Rule of Civil Procedure 5(b)(2):

**Via E-Service**

**Donald H. Kidd**

**Adam J. Blake**

Perdue & Kidd

777 Post Oak Blvd., Suite 450

Houston, TX 77056

[dkidd@perdueandkidd.com](mailto:dkidd@perdueandkidd.com)

[ablake@perdueandkidd.com](mailto:ablake@perdueandkidd.com)

***Attorneys for Plaintiff***

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

PRG.15344

**CAUSE NO. CV45134**

<b>CORY ANDERS,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>62nd JUDICIAL DISTRICT</b>
	§	
<b>GRIND TRUCKING, LLC, PENSKE</b>	§	
<b>TRUCK LEASING CO., L.P., and</b>	§	
<b>GREGORY GEORGE HILLS,</b>	§	
	§	
<b>Defendants.</b>	§	<b>HOPKINS COUNTY, TEXAS</b>

**INDEX OF PLEADINGS FILED IN THE STATE COURT ACTION**

TO THE UNITED STATES DISTRICT CLERK:

Pursuant to 28 U.S.C. § 1447(b), attached hereto are the following complete true and correct copies of all documents filed in the state court action:

1. State Court's Docket Sheet
2. Plaintiff's Original Petition (09.06.22)
3. Affidavit of Service to Grind Trucking, LLC (served 09.09.22)
4. Affidavit of Service to Penske Truck Leasing Co., L.P. (served 09.09.22)
5. Return of Service to Penske Truck Leasing Co., L.P. (served 09.09.22)
6. Letter to Clerk requesting copies of all pleadings & documents filed thus far (09.22.22)
7. Defendant Grind Trucking's Original Answer and Jury Demand (10.03.22)

Respectfully submitted,

**FEE, SMITH & SHARP LLP**

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

State Bar No. 00788857

[msharp@feesmith.com](mailto:msharp@feesmith.com)

**ADAM J. STRANGE**

State Bar No. 24090763

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Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

972-980-3293

972-934-9200 [Fax]

**ATTORNEYS FOR DEFENDANT  
GRIND TRUCKING, LLC**

**CERTIFICATE OF SERVICE**

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on October 7, 2022, a true and correct copy the foregoing instrument was served on the following counsel of record authorized by Federal Rule of Civil Procedure 5(b)(2):

**Via E-Service**

**Donald H. Kidd**

**Adam J. Blake**

Perdue & Kidd

777 Post Oak Blvd., Suite 450

Houston, TX 77056

[dkidd@perdueandkidd.com](mailto:dkidd@perdueandkidd.com)

[ablake@perdueandkidd.com](mailto:ablake@perdueandkidd.com)

***Attorneys for Plaintiff***

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

CAS101

DOCKET BOOK REPORT

PAGE 1

CASE # CV45134

COURT: 62ND JUDICIAL DISTRICT

10/06/2022

CAUSE: INJURY OR DAMAGE WITH MV

STYLE: CORY ANDERS

VS GREGORY GEORGE HILLS

## PLAINTIFF

NAMEATTORNEY

ANDERS, CORY P  
 777 POST OAK BLVD., STE. 450  
 HOUSTON, TX 77056  
 - -

KIDD, DONALD  
 777 POST OAK BLVD., SUITE 450  
 HOUSTON, TX 77056  
 713-520-2500

## DEFENDANT

NAMEATTORNEY

GRIND TRUCKING, LLC D  
 351 WEST CAMDEN ST.  
  
 BALTIMORE, MD 21201  
 - -

SHARP, MICHAEL P.  
 THREE GALLERIA TOWER  
 13155 NOEL ROAD, SUITE 1000  
 DALLAS, TX 75240  
 972-934-9100

HILLS, GREGORY GEORGE D  
 722 SANDY CIRCLE  
 WOODSTOCK, GA 30188-6849

PENSKE TRUCK LEASING CO., L.P. D  
 211 EAST 7TH ST., SUITE 620  
 AUSTIN, TX 78701

## TRANSACTIONS FOR ALL PARTIES

/ / THRU / /

09/06/2022	PLAINTIFF'S ORIGINAL PETITION/MH	I	8
ANDERS, CORY			
09/06/2022	CHARGES ASSESSED BY EFILE	374.00-	
ANDERS, CORY	EFILE ENVELOPE ID:67973847		
09/06/2022	LOCAL PAYMENT RECEIVED THRU EFILE	237.00	
ANDERS, CORY	EFILE SUBMITTER ID: ACOSTA, MELISSA COURT ID: HOPKI		
09/06/2022	STATE PAYMENT RECEIVED THRU EFILE	137.00	
ANDERS, CORY	EFILE SUBMITTER ID: ACOSTA, MELISSA COURT ID: HOPKI		
09/06/2022	ISSUED CITATION FOR GREGORY GEORGE HILLS/MH	I	1
HILLS, GREGORY GEORGE			
09/06/2022	ISSUED CITATION FOR GRIND TRUCKING, LLC/MH	I	1
GRIND TRUCKING, LLC			
09/06/2022	ISSUED CITATION FOR PENSKE TRUCK LEASING CO./MH	I	1
PENSKE TRUCK LEASING CO.			
09/06/2022	EMAILED CITATIONS TO ATTORNEY ON THIS DATE/MH	I	1
ANDERS, CORY			
09/09/2022	RETURN OF SERVICE ON PENSKE TRUCK LEASING CO/	I	1
ANDERS, CORY	SERVED 09/09/2022/CF		
09/15/2022	AFFIDAVIT OF SERVICE/GRIND TRUCKING LLC 9/9/22/HH	I	1
ANDERS, CORY			
09/16/2022	AFFIDAVIT OF SERVICE TO PENSKE TRUCK LEASING ON	I	2
ANDERS, CORY	09/10/2022/DG		
09/22/2022	LTR TO CLERK REQUESTING COPIES OF ALL PLEADINGS/DG	I	2
GRIND TRUCKING, LLC			
09/22/2022	CHARGES ASSESSED BY EFILE	1.00-	
GRIND TRUCKING, LLC	EFILE ENVELOPE ID:68511689		



CAS101	DOCKET BOOK REPORT	PAGE	2
CASE # CV45134	COURT: 62ND JUDICIAL DISTRICT	10/06/2022	
CAUSE: INJURY OR DAMAGE WITH MV			
09/22/2022	LOCAL PAYMENT RECEIVED THRU EFILE	1.00	
GRIND TRUCKING, LL	EFILE SUBMITTER ID: HAMMON,LINDA COURT ID: HOPKINS		
09/22/2022	EMAILED REQUESTED DOCS TO ATTORNEY/FEE, SMITH	I	1
ANDERS,CORY	SHARP LLP/DG		
10/03/2022	DEF GRIND TRUCKING, LLC ORIGINAL ANSWER/DG	I	5
GRIND TRUCKING, LL			
10/03/2022	CHARGES ASSESSED BY EFILE	10.00-	
GRIND TRUCKING, LL	EFILE ENVELOPE ID:68822353		
10/03/2022	LOCAL PAYMENT RECEIVED THRU EFILE	10.00	
GRIND TRUCKING, LL	EFILE SUBMITTER ID: HAMMON,LINDA COURT ID: HOPKINS		

CAUSE NO. CV45134

CORY ANDERS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
V.	§	
	§	HOPKINS COUNTY, TEXAS
GRIND TRUCKING, LLC, PENSKE	§	
TRUCK LEASING CO., L.P., and	§	
GREGORY GEORGE HILLS,	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, TRE 609(F) NOTICE,  
AND RULE 193.7 NOTICE**

Cory Anders, Plaintiff in the above-styled and numbered cause of action, brings this lawsuit against Defendants, Grind Trucking, LLC, Penske Truck Leasing Co., L.P. and Gregory George Hills, and in support thereof would show unto this Honorable Court the following:

**DISCOVERY CONTROL PLAN**

1. Pursuant to Texas Rule of Civil Procedure 190.4 the discovery of this case is to be conducted under a Level 3 Discovery Control Plan to be agreed upon by the parties.

**PARTIES**

2. Cory Anders is a resident citizen of Houston, Harris County, Texas. Pursuant to Texas Civil Practice & Remedies Code § 30.014, the Court and parties are hereby advised that the last three numbers of his driver license are XXXXX458 and the last three numbers of his social security number are XXX-XX-X592.

3. Gregory George Hills is an individual resident of the State of Georgia who may be served with process at his place of residence, **722 Sandy Circle, Woodstock, Georgia 30188-6849**, or any other place where it may be found.

4. Grind Trucking, LLC is a Maryland limited liability corporation that does a substantial amount of business in the State of Texas and, pursuant to the Texas Business Organizations Code Sec. 5.201, may be served with process by any method allowed by TRCP 106, including delivering, in person, or mailing by registered or certified mail, return receipt requested, a true copy of the citation and petition to its registered agent, **Business Filings International Incorporated, 351 West Camden St., Baltimore, Maryland 21201**, and/or its president at its principal office, **4611 Asbury Ave., Baltimore, Maryland 21206**.

5. Penske Truck Leasing Co., L.P. is a Delaware limited partnership that does a substantial amount of business in the State of Texas and, pursuant to the Texas Business Organizations Code Sec. 5.201, may be served with process by any method allowed by TRCP 106, including delivering, in person, or mailing by registered or certified mail, return receipt requested, a true copy of the citation and petition to its registered agent, **Corporation Service Company d/b/a CSC-Lawyers Inc., 211 East 7th St. Suite 620, Austin, Texas 78701**, and/or its president at its principal office, **2675 Morgantown Rd., Reading, Pennsylvania 19607**.

#### MISNOMER, ALTER EGO, AND TRCP RULE 28 REQUEST

6. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

7. To the extent that any Defendant is conducting business pursuant to a trade name or assumed name, then suit is brought against Defendants pursuant to the terms of Rule 28 of the Texas Rules of Civil Procedure, and Plaintiff demands that, upon answer to this petition, that Defendants answer in its correct legal and assumed name.

### JURISDICTION and VENUE

8. This Court has jurisdiction in this cause since the damages to Plaintiff are within the jurisdictional limits of this Court.

9. All or a substantial part of the events or omissions giving rise to the claim occurred in Hopkins County, Texas. Therefore, venue is proper pursuant to §15.002(a)(1) of the Texas Civil Practice & Remedies Code.

10. Additionally, the facts show that the convenience of the parties and the witnesses and the interest of justice would be best served in Hopkins County, Texas and venue is permitted in this county pursuant to §15.002(a)(4) of the Texas Civil Practice & Remedies Code.

11. All conditions precedent have occurred, been performed, or been waived.

12. Nothing Plaintiff did caused or contributed to this occurrence.

### FACTS

13. On or about June 9, 2022, Defendant Gregory George Hills was operating a tractor-trailer in Sulphur Springs, Hopkins County, Texas. At all times relevant to this lawsuit, Defendant Hills was in the course and scope of his employment with Defendants Grind Trucking and Penske Truck Leasing.

14. Defendant Hills was attempting to exit a private drive and turn north onto Hillcrest Drive at the 1200 block.

15. At the same time, Plaintiff's father, Robert Anders, was driving southbound at the 1200 block of Hillcrest Drive in the inside lane.

16. As Plaintiff's father approached the private drive, Defendant Hills exited the private drive and crossed the southbound lanes of Hillcrest Drive with his tractor-trailer directly in front Plaintiff's father's vehicle.

17. Defendant Hills' failure to yield the right of way caused Plaintiff's father's vehicle to strike the trailer near the back axle of the trailer, resulting in a violent collision which caused the death of Plaintiff's father.

CAUSE OF ACTION AGAINST DEFENDANT GREGORY GEORGE HILLS

18. The incident made the basis of this lawsuit resulted from the improper conduct of Defendant Hills, which constitutes negligence as that term is understood in law and was a proximate cause of the occurrence and injuries and damages to Plaintiff. This Defendant's negligent actions or omissions included, but are not limited to, one or more of the following non-exclusive particulars:

- a. failing to yield the right-of-way while exiting a private drive;
- b. failing to keep a proper lookout;
- c. failing to take evasive action before the crash occurred;
- d. driving while fatigued;
- e. driving while distracted; and/or,
- f. failing to operate his vehicle as a person of ordinary prudence would have in the same or similar circumstance.

One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

CAUSE OF ACTION AGAINST DEFENDANT GRIND TRUCKING, LLC AND PENSKE TRUCK LEASE CO., L.P.

19. At all times material to this lawsuit, Defendant Hills was an employee of these Defendants and was acting within the course and scope of his employment with these Defendants. Consequently, both Defendants are vicariously liable to Plaintiff for the negligent conduct of Defendant Hills under the theory of *respondeat superior*.

20. The independent conduct of these Defendants constitutes negligence as that term is known in law. Such negligent acts or omission include, but are not limited to the following:

- a. hiring and/or retaining Defendant Hills whom it knew or should have known was a reckless or incompetent driver;
- b. entrusting a vehicle to Defendant Hills whom it knew or should have known was reckless or incompetent driver;
- c. failing to provide adequate maintenance on the tractor-trailer;
- d. failing to properly train Defendant Hills in the safe motor vehicle operation; and,
- e. failing to properly supervise Defendant Hills's driving activities.

One, some, or all of the foregoing acts and/or omissions or others on the part of these Defendants constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

#### DAMAGES

21. As a result of the Crash and the death of his father, Robert Wayne Anders, and pursuant to common law as well as the Texas Wrongful Death Act, Cory Anders suffered damages in the form or past and future:

- a. Pecuniary loss;
- b. Loss of companionship and society;
- c. Loss of inheritance; and
- d. Mental anguish.

22. The damages sought herein are within the jurisdictional limits of the court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief over \$1,000,000.

23. Plaintiff seeks both prejudgment and post judgment interest as allowed by law, for all costs of court, and demands judgment for all other relief, both in law and in equity, to which Plaintiff may be entitled.

RULE 193.7 NOTICE OF INTENT TO USE DOCUMENTS

24. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to each Defendant that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

TRE 609(F) NOTICE

25. You are hereby on notice that, pursuant to the Texas Rules of Evidence 609(f), Plaintiff intends to use any documents produced in relation to Defendants' criminal convictions as evidence at the time of trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that each Defendant be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, that Plaintiff recover damages in accordance with the evidence, that Plaintiff recover costs of court herein expended, that Plaintiff recover interest to which Plaintiff is justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**PERDUE & KIDD**

By: /s/ Donald H. Kidd  
Donald H. Kidd  
State Bar No. 11383100  
Adam J. Blake  
State Bar No. 24101521  
777 Post Oak Blvd., Suite 450  
Houston, Texas 77056  
Tel: (713) 520-2500  
Fax: (713) 520-2525  
Email: dkidd@perdueandkidd.com

ablake@perdueandkidd.com  
eservice@perdueandkidd.com

**ATTORNEYS FOR PLAINTIFF**



### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Melissa Acosta on behalf of Donald Kidd

Bar No. 11383100

macosta@perdueandkidd.com

Envelope ID: 67973847

Status as of 9/6/2022 1:38 PM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Adam JosephBlake		ablake@perdueandkidd.com	9/6/2022 12:19:56 PM	SENT
Donald H.Kidd		dkidd@perdueandkidd.com	9/6/2022 12:19:56 PM	SENT
Melissa Acosta		macosta@perdueandkidd.com	9/6/2022 12:19:56 PM	SENT

NO. CV45134

CORY ANDERS

VS.

GRIND TRUCKING, LLC, ET AL

IN THE 62ND JUDICIAL DISTRICT COURT OF HOPKINS  
 COUNTY, TEXAS

## AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, Andre S. Powell (Process Server), personally appeared and stated under oath as follows:

1. My name is Andre S. Powell (server). I am authorized to deliver Texas Legal documents under rule 108 T.R.C.P.. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is:

823 Martin Luther King, Jr. Blvd, Baltimore, MD (SERVERS ADDRESS)

2. ON Sept. 9, 2022 (DATE) AT 2:24 ( P ) M (TIME) CITATION, PLAINTIFF'S ORIGINAL PETITION, TRE 609(F) NOTICE, AND RULE 193.7 NOTICE came to hand for delivery to GRIND TRUCKING, LLC BY SERVING ITS REGISTERED AGENT, BUSINESS FILINGS INTERNATIONAL INCORPORATED.

3. ON September 9, 2022 (DATE) AT 2:24 ( P ) M (TIME) The above named documents were hand delivered to: GRIND TRUCKING, LLC BY SERVING ITS REGISTERED AGENT, BUSINESS FILINGS INTERNATIONAL INCORPORATED by hand delivering to:

Rebecca Gott, Intake Specialist  
 (NAME AND TITLE) a person authorized to accept service at

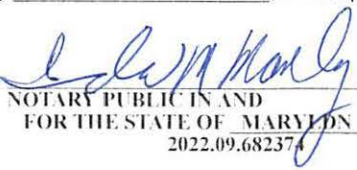
2405 York Road, Suite 201, Lutherville-Timonium, MD  
 (ADDRESS), in Person, in accordance to Rule 108 TRCP.

FURTHER AFFIANT SAYETH NOT.

  
 SERVER'S SIGNATURE

Andre S. Powell  
 SERVER'S PRINTED NAME

SWORN TO AND SUBSCRIBED before me by Andre S. Powell (server) appeared on this 13th day of September, 2022 to attest witness my hand and seal of office.

  
 NOTARY PUBLIC IN AND  
 FOR THE STATE OF MARYLAND  
 2022.09.682374

IDA M. MANLY  
 NOTARY PUBLIC  
 BALTIMORE CITY  
 MARYLAND  
 MY COMMISSION EXPIRES March 5, 2026

**CORY ANDERS****NO. CV45134****VS.****GRIND TRUCKING, LLC, ET AL**

§  
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**IN THE 62ND JUDICIAL DISTRICT COURT  
 OF HOPKINS COUNTY, TEXAS**

**AFFIDAVIT OF SERVICE**

My name is **GERARDO ATILANO**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: **1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.**

**ON Wednesday September 07, 2022 at 12:08 PM – CITATION, PLAINTIFF'S ORIGINAL PETITION, TRE 609(F) NOTICE, AND RULE 193.7 NOTICE** came to hand.

**On Saturday September 10, 2022 at 01:10 AM** - The above named documents were delivered to: **PENSKE TRUCK LEASING CO., L.P. BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS, INC. @ 211 EAST 7TH STREET, SUITE 620, AUSTIN, TX 78701**, via United States Postal Service, Return Receipt Requested.

**SEE ATTACHED USPS PRINTOUT.****FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **GERARDO ATILANO**, my date of birth is 07/14/1976 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Harris County, State of Texas on Friday September 16, 2022**

**/s/GERARDO ATILANO**

Declarant

**PSC#9589 EXP. 10/31/22**

Appointed in accordance with State Statutes

**2022.09.682371**



## FAQs



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AUSTIN, TX 78701

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CAUSE NUMBER: CV45134

**CORY ANDERS**  
**PLAINTIFF**

**VS.**

**IN THE 62ND JUDICIAL DISTRICT COURT  
OF HOPKINS COUNTY, TEXAS**

**GRIND TRUCKING, LLC, ET AL**  
**DEFENDANT**

**RETURN OF SERVICE**

My name is **D'ANN WATHEN**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

**ON Wednesday September 07, 2022 AT 12:08 PM - CITATION, PLAINTIFF'S ORIGINAL PETITION, TRE 609(F) NOTICE, AND RULE 193.7 NOTICE came to hand for service upon PENSKE TRUCK LEASING CO., L.P. BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS, INC..**

**On Friday September 09, 2022 at 10:31 AM - The above named documents were hand delivered to: PENSKE TRUCK LEASING CO., L.P. BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS, INC. @ 211 EAST 7TH STREET, SUITE 620, AUSTIN, TX 78701, in Person. by delivering to Terri Tremblay, designated agent.**

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **D'ANN WATHEN**, my date of birth is 12/21/1971 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Harris County, State of Texas on Friday September 09, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.09.682362



Texas Trial Attorneys

Dallas Austin Houston

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, TX 75240 P 972-934-9100 F 972-934-9200  
877-FEESMITH FeeSmith.com

**Adam J. Strange**  
972-616-7612 Direct Dial

[astrange@feesmith.com](mailto:astrange@feesmith.com)

September 22, 2022

**Via E-File**

Clerk  
62nd Judicial District  
118 Church Street  
Sulphur Springs, TX 75482

Re: Cause No. CV45134; *Cory Anders v. Grind Trucking, LLC, Penske Truck Leasing Co., L.P., and Gregory George Hills*; In the 62nd Judicial District, Hopkins County, Texas  
Our File No.: PRG.15344

Dear Clerk:

We respectfully request a copy of all pleadings and documents that have been filed in the above-referenced matter thus far. We **do not** need any certified copies.

Please forward these pleadings and documents to my assistant, Linda Hammon at [Lhammon@feesmith.com](mailto:Lhammon@feesmith.com). Should you need a Sharefile link to upload the documents, we can provide you with one.

Should you need anything further, please call my assistant, Linda Hammon at 972-980-3277. Thanks for your assistance in this matter.

Very truly yours,

**FEE, SMITH & SHARP LLP**

/s/ Adam J. Strange

**ADAM J. STRANGE**  
Senior Partner

AJS/lsh

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Linda Hammon on behalf of Adam Strange

Bar No. 24090763

lhammon@feesmith.com

Envelope ID: 68511689

Status as of 9/22/2022 1:16 PM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Melissa Acosta		macosta@perdueandkidd.com	9/22/2022 11:09:27 AM	SENT
Adam JosephBlake		ablake@perdueandkidd.com	9/22/2022 11:09:27 AM	SENT
Donald H.Kidd		dkidd@perdueandkidd.com	9/22/2022 11:09:27 AM	SENT

PRG.15344

**CAUSE NO. CV45134**

<b>CORY ANDERS,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>62nd JUDICIAL DISTRICT</b>
	§	
<b>GRIND TRUCKING, LLC, PENSKE</b>	§	
<b>TRUCK LEASING CO., L.P., and</b>	§	
<b>GREGORY GEORGE HILLS,</b>	§	
	§	
<b>Defendants.</b>	§	<b>HOPKINS COUNTY, TEXAS</b>

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **GRIND TRUCKING, LLC**, Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

**I.**

**GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiffs' pleadings and demands strict proof thereof.

**II.**

**NOTICE OF SELF-AUTHENTICATION**

2. In accordance with Rule 193.7 of the Texas Rules of Civil Procedure, Defendant hereby provides written notice that he intends to use self-authenticated documents against Plaintiffs at any future pretrial proceeding, trial, or appeal in this matter.



**III.**

**JURY DEMAND**

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury. A jury fee has been paid on behalf of Defendants.

**IV.**

**DESIGNATED EMAIL ADDRESS FOR SERVICE**

For this matter, the following is the undersigned attorneys' designation of electronic service email addresses, for all electronically served documents and notices, filed or service only, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a):

Michael P. Sharp – [msharp@feesmith.com](mailto:msharp@feesmith.com)  
Adam J. Strange – [astrange@feesmith.com](mailto:astrange@feesmith.com)  
Valerie Whitesell – [vwhitesell@feesmith.com](mailto:vwhitesell@feesmith.com)

Service through any other email address will be considered invalid, unless notified by the aforementioned individuals.

**WHEREFORE, PREMISES CONSIDERED**, Defendant **GRIND TRUCKING, LLC** prays that the Plaintiff take nothing by this suit, that Defendant go hence with his costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show himself justly entitled.

Respectfully submitted,

**FEE, SMITH & SHARP LLP**

*/s/ Michael P. Sharp*

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**MICHAEL P. SHARP**  
**State Bar No. 00788857**  
**ADAM J. STRANGE**  
**State Bar No. 24090763**  
Three Galleria Tower  
13155 Noel Road, Suite 1000  
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[msharp@feesmith.com](mailto:msharp@feesmith.com)  
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**972-934-9100**  
**972-934-9200 [Fax]**  
**ATTORNEYS FOR DEFENDANT**  
**GRIND TRUCKING, LLC**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, e-served, telecopied or hand delivered to all attorneys of record in this cause of action on October 3, 2022.

**Via E-File**

Donald H. Kidd  
Adam J. Blake  
Perdue & Kidd, LLP  
777 Post Oak Boulevard  
Suite 450  
Houston, TX 77056

*/s/ MICHAEL P. SHARP*

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**MICHAEL P. SHARP**

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Linda Hammon on behalf of Michael Sharp

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Status as of 10/3/2022 10:52 AM CST

#### **Case Contacts**

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Donald H.Kidd		dkidd@perdueandkidd.com	10/3/2022 10:30:49 AM	SENT
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Melissa Acosta		macosta@perdueandkidd.com	10/3/2022 10:30:49 AM	SENT
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Linda Hammon on behalf of Michael Sharp

Bar No. 788857

lhammon@feesmith.com

Envelope ID: 68822353

Status as of 10/3/2022 10:52 AM CST

Associated Case Party: LLC GRIND TRUCKING

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Sharp		msharp@feesmith.com	10/3/2022 10:30:49 AM	SENT
Adam J.Strange		astrange@feesmith.com	10/3/2022 10:30:49 AM	SENT